

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| IN RE LAUGHLIN PRODUCTS, INC., | : | MDL Docket No. 1498 |
| PATENT LITIGATION | : | ALL CASES |

ORDER

AND NOW, this 19th day of July, 2004, following a pretrial telephone conference with counsel on July 16, 2004, which was recorded, the Court hereby ORDERS as follows:

1. Defendants' Motion to Stay Discovery as to all Defendants except Hollywood Tanning Systems, Inc. and Hollywood Tans, Inc. (Docket No. 68) is GRANTED in part and DENIED in part. The Motion is DENIED to the extent that it seeks to preclude discovery against Segler and Heartland on the issue of infringement, broadly construed. The Motion is GRANTED to the extent it seeks to stay discovery on other issues, such as damages, without prejudice to any party seeking to modify this Order after additional discovery takes place.

2. Plaintiff's Motion to Stay Certain Discovery and for Entry of Protective Order (Docket No. 72) is DENIED without prejudice. The Court has entered the modified Protective Order agreed to by all counsel. Counsel for Hollywood Tanning Systems, Inc. has advised the Court and counsel for Plaintiff that responsive documents will be produced forthwith. Counsel have agreed to work together to seek agreements on certain topics that are the subject of the Defendants' Requests for Admissions, and Plaintiff is granted an extension of time of thirty (30) days to respond to the outstanding Requests for Admissions.

3. As to Defendants' Motion to Stay Discovery on Willfulness (Docket No. 58), Defendants have advised that they will attempt to agree upon a stipulation agreeing to proceed on

discovery on the issue of willfulness, other than the advice of counsel. This Motion is, therefore, DENIED without prejudice, subject to renewal by notice in the event a stipulation is not agreed to by all parties. Any stipulation will be subject to modification based upon the ruling of the United States Court of Appeals for the Federal Circuit in Knorr-Bremse Systeme Fuer Nutzfahrzeuge GMBH v. Dana Corporation, 344 F. 3d 1336 (September 26, 2003).

BY THE COURT:

Michael M. Baylson, U.S.D.J.

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